

CHAPTER 227--H.F.No. 3084

An act relating to transportation; eliminating certain reporting requirements; eliminating or modernizing antiquated, unnecessary, redundant, and obsolete provisions; making conforming changes; amending Minnesota Statutes 2012, sections 12A.16, subdivision 5; 16A.633, subdivision 4; 16B.335, subdivision 1; 16B.51, subdivision 1; 161.082, subdivision 2a; 161.20, subdivision 2; 161.3410, subdivision 1; 161.3412, subdivision 2; 161.3414, subdivision 1; 161.3418, subdivision 2; 161.36, subdivision 7; 162.06, subdivision 3; 162.12, subdivision 3; 162.13, subdivision 1; 165.09, subdivision 3; 169.86, subdivision 5; 173.02, subdivisions 6, 16; 173.13, subdivision 4; 174.02, subdivisions 6, 8; 174.06, subdivision 7; 174.30, subdivision 9; 174.40, subdivision 8; 174.50, subdivision 6b; 174.66; 221.022; 221.0252, subdivision 7; 221.026, subdivision 2; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 302A.021, subdivision 10; 322B.02; 336.9-201; 360.015, subdivision 2; 360.511, subdivision 4; 360.55, subdivision 4; 360.59, subdivision 7; Laws 2013, chapter 117, article 1, section 3, subdivision 7; repealing Minnesota Statutes 2012, sections 160.27, subdivision 3; 160.283, subdivision 1; 161.05; 161.06; 161.07; 161.08, subdivision 1; 161.082, subdivision 3; 161.1231, subdivisions 3, 9; 161.13; 161.161; 161.201; 161.22; 161.31, subdivision 2; 161.3205; 161.3428; 161.51; 162.02, subdivision 2; 162.06, subdivision 6; 162.065; 162.08, subdivision 3; 162.09, subdivision 3; 162.12, subdivision 5; 162.125; 163.07, subdivision 3; 164.041; 164.05; 165.09, subdivision 5; 165.11; 165.13; 169.16; 169.835; 169.867; 173.0845; 173.085; 174.02, subdivision 7; 174.05; 174.06, subdivision 8; 174.19; 174.256, subdivision 5; 174.50, subdivision 6a; 181.28; 181.29; 181.30; 218.021; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10; 218.041, subdivisions 1, 2, 7; 219.55; 219.562, subdivisions 1, 1a, 3, 4; 219.565; 219.566; 221.123; 221.151, subdivision 1; 221.241; 221.295; 222.04; 222.06; 222.07; 222.08; 222.09; 222.10; 222.11; 222.12; 222.13; 222.141; 222.15; 222.16; 222.17; 222.18; 222.19; 222.20; 222.21; 222.22; 222.23; 222.24; 222.25; 222.28; 222.31; 222.32; 222.35; 360.013, subdivision 59; 360.015, subdivisions 11a, 17, 19; 360.55, subdivision 7; Minnesota Statutes 2013 Supplement, section 174.03, subdivision 1d.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1**OBSOLETE, UNNECESSARY, OR REDUNDANT PROVISIONS**

Section 1. Minnesota Statutes 2012, section 16A.633, subdivision 4, is amended to read:

Subd. 4. Report on jobs created or retained. By September 1 of each odd-numbered year, the commissioner must report to legislative committees with jurisdiction over capital investment on the jobs created or retained as a result of capital project funding by the state, whether with state general obligation bond proceeds or other state funding sources, during the previous biennium. Each state agency must provide the commissioner the information necessary, and must require its capital project grantees to provide the information necessary, for the commissioner to make the report. The report must include, but is not limited to, the following information: the number and types of jobs for each project, whether the jobs are new or retained, where the jobs are located, and pay ranges of the jobs. The Board of Regents of the University of Minnesota, the Board of Trustees of the Minnesota State Colleges and Universities, and each state agency receiving an appropriation for a capital project shall collect and provide the information at the time and in

the manner required by the commissioner. This subdivision does not apply to Department of Transportation state-aid projects valued less than \$5,000,000.

Sec. 2. Minnesota Statutes 2012, section 16B.335, subdivision 1, is amended to read:

Subdivision 1. **Construction and major remodeling.** (a) The commissioner, or any other recipient to whom an appropriation is made to acquire or better public lands or buildings or other public improvements of a capital nature, must not prepare final plans and specifications for any construction, major remodeling, or land acquisition in anticipation of which the appropriation was made until the agency that will use the project has presented the program plan and cost estimates for all elements necessary to complete the project to the chair of the senate Finance Committee and the chair of the house of representatives Ways and Means Committee and the chairs have made their recommendations, and the chair of the house of representatives Capital Investment Committee is notified. "Construction or major remodeling" means construction of a new building, a substantial addition to an existing building, or a substantial change to the interior configuration of an existing building. The presentation must note any significant changes in the work that will be done, or in its cost, since the appropriation for the project was enacted or from the predesign submittal. The program plans and estimates must be presented for review at least two weeks before a recommendation is needed. The recommendations are advisory only. Failure or refusal to make a recommendation is considered a negative recommendation. The chairs of the senate Finance Committee and the house of representatives Capital Investment and Ways and Means Committees must also be notified whenever there is a substantial change in a construction or major remodeling project, or in its cost.

(b) Capital projects exempt from the requirements of this subdivision include demolition or decommissioning of state assets, hazardous material projects, utility infrastructure projects, environmental testing, parking lots, parking structures, park and ride facilities, bus rapid transit stations, light rail lines, passenger rail projects, exterior lighting, fencing, highway rest areas, truck stations, storage facilities not consisting primarily of offices or heated work areas, roads, bridges, trails, pathways, campgrounds, athletic fields, dams, floodwater retention systems, water access sites, harbors, sewer separation projects, water and wastewater facilities, port development projects for which the commissioner of transportation has entered into an assistance agreement under section 457A.04, ice centers, a local government project with a construction cost of less than \$1,500,000, or any other capital project with a construction cost of less than \$750,000.

Sec. 3. Minnesota Statutes 2012, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. **Town bridges and culverts; town road account.** (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

~~(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the Board of Water and Soil Resources and the Department of Natural Resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.~~

~~(c) The expenditures on a bridge structure or culvert may be paid from the county turnback account and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.~~

~~(d)~~ (b) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost-efficient than replacing the existing bridge.

~~(e)~~ (c) When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000;

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the Department of Transportation; or

(3) 100 percent of all related engineering costs that exceed \$10,000, or in the case of towns with a net tax capacity of less than \$300,000, 100 percent of the engineering costs.

~~(f)~~ (d) Money in the town road account must be distributed as provided in section 162.081.

Sec. 4. Minnesota Statutes 2012, section 161.20, subdivision 2, is amended to read:

Subd. 2. **Property acquisition; agreements and contracts.** (a) The commissioner is authorized:

(1) to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as the commissioner deems necessary, all lands and properties necessary in preserving future trunk highway corridors or in laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees ~~or for providing for driver's license examinations~~; to maintain, repair, or remodel such buildings as may be necessary;

(2) to acquire by purchase, gift, or condemnation, replacement sites for historically significant buildings or structures and to relocate these buildings or structures onto those sites, reconstructing and maintaining them until disposed of through public sale to the highest responsible bidder;

(3) to make agreements with any county for the relocation or reestablishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or reestablishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway;

(4) to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction, and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and

(5) in carrying out duties, to let all necessary contracts in the manner prescribed by law.

(b) The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter.

Sec. 5. Minnesota Statutes 2012, section 161.36, subdivision 7, is amended to read:

Subd. 7. **Economic recovery funds.** (a) All federal funds made available to the commissioner under title XII of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, and designated for transportation purposes, including but not limited to assistance for highways and bridges, transit, aeronautics, ports, and railroads, are appropriated to the commissioner from the trunk highway fund or the federal fund, as appropriate. This appropriation includes any funds not initially made available to the commissioner under the act, including but not limited to competitive grant awards and funds made available in addition to the amount expected on April 2, 2009. The money is available until expended.

(b) The commissioner shall make every reasonable effort to seek and utilize all funds available under title XII of the act.

(c) The commissioner shall expend funds appropriated under this subdivision in conformance with federal requirements established in association with use of the funds. The commissioner may expend up to 17 percent of the funds for program delivery.

(d) Notwithstanding section 360.305, subdivision 4, no local contribution is required for eligible aeronautics project elements funded by a federal grant-in-aid through the act.

~~(e) Within two weeks of submitting each report to the United States Department of Transportation as required for the federal aid under this subdivision, the commissioner shall submit a corresponding report to the chairs and ranking members of the house of representatives and senate committees with jurisdiction over transportation policy and finance. The corresponding report must contain (1) a copy of the report submitted to the United States Department of Transportation, and (2) information on the geographic distribution of projects funded under this subdivision, which at a minimum specifies the amount provided for highways and bridges, transit, aeronautics, ports, and railroads within each of the department's districts.~~

Sec. 6. Minnesota Statutes 2012, section 162.06, subdivision 3, is amended to read:

Subd. 3. **Disaster account.** (a) After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year one percent of the amount available to provide for a disaster account; provided that the total amount of money in the disaster account must never exceed two percent of the total sums to be apportioned to the counties. The money must be used to provide aid to any county encountering disasters or unforeseen events affecting its county state-aid highway system, and resulting in an undue and burdensome financial hardship.

(b) Any county desiring aid by reason of disaster or unforeseen event shall request the aid in the form required by the commissioner. Upon receipt of the request, the commissioner shall appoint a board consisting of two representatives of the counties, who must be either a county engineer or member of a county board, from counties other than the requesting county, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner.

(c) Final determination of the amount of aid, if any, to be paid to the county from the disaster account must be made by the commissioner. Upon determining to aid a requesting county, the commissioner shall certify to the commissioner of management and budget the amount of the aid, and the commissioner of management and budget shall then issue a warrant in that the amount payable to the county treasurer of the

county. Money so paid must be expended on the county state-aid highway system in accordance with the rules of the commissioner.

Sec. 7. Minnesota Statutes 2012, section 162.12, subdivision 3, is amended to read:

Subd. 3. **Disaster account.** (a) After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to two percent of the remaining money in the municipal state-aid street fund to provide for a disaster account; provided, that the total amount of money in the disaster account must never exceed three percent of the total sums to be apportioned to the statutory and home rule charter cities having a population of 5,000 or more. The disaster account must be used to provide aid to any city encountering disaster or unforeseen event affecting the municipal state-aid street system of the city, and resulting in an undue and burdensome financial hardship.

(b) Any city desiring aid by reason of disaster or unforeseen event shall request aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of two representatives of the cities, who must be either a city engineer or member of the governing body of a city, from cities other than the requesting city, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner.

(c) Final determination of the amount of aid, if any, to be paid to the city from the disaster account must be made by the commissioner. Upon determining to aid the city, the commissioner shall certify to the commissioner of management and budget the amount of aid, and the commissioner of management and budget shall then issue a warrant in that the amount payable to the fiscal officer of the city. Money so paid must be expended on the municipal state-aid street system in accordance with rules of the commissioner.

Sec. 8. Minnesota Statutes 2012, section 162.13, subdivision 1, is amended to read:

Subdivision 1. **Factors in formula.** After deducting for administrative costs and for the disaster fund and research account as heretofore provided, ~~and for any allocation made under section 162.125,~~ the remainder of the total sum provided for in section 162.12, subdivision 1 ~~of section 162.12,~~ shall be identified as the apportionment sum, and shall be apportioned by the commissioner to the cities having a population of 5,000 or more, in accordance with the following formula:

(1) An amount equal to 50 percent of such apportionment sum shall be apportioned among the cities having a population of 5,000 or more so that each such city shall receive of such amount the percentage that its money needs bears to the total money needs of all such cities.

(2) An amount equal to 50 percent of such apportionment sum shall be apportioned among the cities having a population of 5,000 or more so that each such city shall receive of such amount the percentage that its population bears to the total population of all such cities. For purposes of this subdivision, the population of a city is the greater of 5,000 or the number calculated under section 162.09, subdivision 4, paragraph (a), (b), (c), (d), or (e).

Sec. 9. Minnesota Statutes 2012, section 165.09, subdivision 3, is amended to read:

Subd. 3. **Bridge over Minnesota River or Mississippi River.** Before any bridge is erected over the Minnesota River or Mississippi River, the location and plan thereof shall be approved by the commissioner. ~~Bridges over the Minnesota River below the city of Chaska shall be built with a suitable draw of not less than 80 feet opening or, in lieu of such opening, built at such clear height above the ordinary high-water stage as will be sufficient to accommodate the ordinary navigation of the river.~~

Sec. 10. Minnesota Statutes 2012, section 173.13, subdivision 4, is amended to read:

Subd. 4. **Fees.** The annual fee for each such permit or renewal thereof shall be as follows:

(a) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$30.

(b) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$60.

(c) If the advertising area exceeds 300 square feet, the fee shall be \$120.

(d) No fee shall be charged for a permit for official signs and notices as they are defined in section 173.02, ~~except that a fee may be charged for a star city sign erected under section 173.085.~~

Sec. 11. Minnesota Statutes 2012, section 174.02, subdivision 6, is amended to read:

Subd. 6. **Agreements, receipts, appropriation.** To facilitate the implementation of intergovernmental efficiencies, effectiveness, and cooperation, and to promote and encourage economic and technological development in transportation matters within and between governmental and nongovernmental entities:

(a) The commissioner may enter into agreements with other governmental or nongovernmental entities for research and experimentation; for sharing facilities, equipment, staff, data, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services or that further development of innovation in transportation for the benefit of the citizens of Minnesota.

(b) In addition to funds otherwise appropriated by the legislature, the commissioner may accept and spend funds received under any agreement authorized in paragraph (a) for the purposes set forth in that paragraph, ~~subject to a report of receipts to the commissioner of management and budget at the end of each fiscal year and, if receipts from the agreements exceed \$100,000 in a fiscal year, the commissioner shall also notify the governor and the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives.~~

(c) Funds received under this subdivision must be deposited in the special revenue fund and are appropriated to the commissioner for the purposes set forth in this subdivision.

Sec. 12. Minnesota Statutes 2012, section 174.02, subdivision 8, is amended to read:

Subd. 8. **Electronic reports.** ~~For Notwithstanding section 3.195, subdivision 1, any legislative report required to be submitted by the commissioner by law, in which the report may or must be submitted electronically, the commissioner shall meet the requirements under section 3.195, subdivision 1.~~

Sec. 13. Minnesota Statutes 2012, section 174.06, subdivision 7, is amended to read:

Subd. 7. **Proposals for implementation.** ~~(a)~~ It is the intent of the legislature that gas, oil, slurry, and other pipelines, long-distance conveyor belt systems, and other modes of transportation not now regulated by the state be constructed and operated in a manner that best serves the public good and complements other means of transportation.

~~(b) The commissioner of transportation shall submit to the governor and the legislature, no later than January 1, 1979, specific proposals, drafted in bill form if appropriate, to implement this policy within the areas of responsibility assigned to the Department of Transportation.~~

Sec. 14. Minnesota Statutes 2012, section 174.30, subdivision 9, is amended to read:

Subd. 9. **Complaints; report; data classification.** (a) The commissioner shall investigate all complaints over which the commissioner has jurisdiction regarding special transportation service providers regulated under this section.

~~(b) By January 15, 2009, and in every subsequent odd-numbered year by January 15, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation policy and finance. The report must identify each complaint investigated by the commissioner under paragraph (a), including, but not limited to, any findings and steps taken for resolution of the complaint.~~

(e) (b) When information is furnished to the Department of Transportation that alleges a violation of this section, an operating standard adopted under this section, or section 174.315, the following data are classified as confidential data or protected nonpublic data:

- (1) names of complainants;
- (2) complaint letters; and
- (3) other unsolicited data when furnished by a person who is not the subject of the data and who is not a department employee.

Sec. 15. Minnesota Statutes 2012, section 174.40, subdivision 8, is amended to read:

Subd. 8. **Legislative report.** By November 1 ~~annually~~ of each odd-numbered year, the commissioner shall submit a report on the safe routes to school program to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation policy and finance. The report must at a minimum:

- (1) summarize program implementation;
- (2) provide an overview of grant evaluation and criteria used in project selection;
- (3) provide a brief description of each project funded in the previous fiscal year, including the amount of money provided from each safe routes to school account under this section and the amount provided under the federal program;
- (4) summarize the status of the federal program or successor legislation; and
- (5) identify any recommendations for legislative changes, including proposals to improve program effectiveness.

Sec. 16. Minnesota Statutes 2012, section 174.50, subdivision 6b, is amended to read:

Subd. 6b. **Bridge engineering and design costs in smaller cities.** ~~Until June 30, 2007,~~ (a) The commissioner may make grants from the state transportation fund to a home rule or statutory city with a population of 5,000 or less and a net tax capacity of under \$200,000 for design and preliminary, engineering, and construction of bridges on city streets.

(b) Grants under this subdivision are subject to the procedures and criteria established under subdivisions 5 and 6, and 7.

(c) Grants may be used for:

- (1) 100 percent of the design and preliminary engineering costs that are in excess of \$10,000;
- (2) 100 percent of the bridge approach work costs that are in excess of \$10,000; and
- (3) 100 percent of the bridge construction work costs.

~~Total grants under this subdivision to all cities may not exceed \$200,000.~~

Sec. 17. Minnesota Statutes 2012, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, rules, filings.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

~~(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.~~

~~(d)~~ (c) The commissioner shall (1) require holders of household goods mover permits to file schedules of rates and charges, (2) regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and (3) prescribe other rules as may be necessary to carry out the provisions of this chapter.

~~(e)~~ (d) The commissioner shall enforce sections 169.781 to 169.783.

Sec. 18. Minnesota Statutes 2012, section 360.015, subdivision 2, is amended to read:

Subd. 2. **Cooperation with federal and other agencies.** ~~(a)~~ The commissioner shall cooperate with and assist the federal government, the municipalities of this state, and others engaged in aeronautics or the promotion of aeronautics and shall seek to coordinate the aeronautical activities of these bodies. To this end, the commissioner is empowered to confer with or to hold joint hearings with any federal aeronautical agency in connection with any matter arising under sections 360.011 to 360.076, or relating to the sound development of aeronautics, and to take advantage of the cooperation, services, records, and facilities of such federal agencies, as fully as may be practicable, in the administration and enforcement of sections 360.011 to 360.076. The commissioner shall reciprocate by furnishing cooperation, services, records, and facilities, insofar as may be practicable, to the federal agencies. The commissioner may also contract for the presentation of educational and informational programs that promote safety and interest in aeronautics.

~~(b) The commissioner shall report to the appropriate federal agency all accidents in aeronautics in this state of which the commissioner is informed. The commissioner shall also preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by the com-~~

missioner until a federal agency institutes an investigation. The commissioner shall report the following to the appropriate federal agency:

- (1) all refusals by the commissioner to register federal licenses, certificates, or permits;
- (2) all revocations of certificates of registration, and the reasons therefor; and
- (3) all penalties of which the commissioner has knowledge imposed upon airmen for violations of the laws of this state relating to aeronautics or violations of the rules or orders of the commissioner.

Sec. 19. Minnesota Statutes 2012, section 360.511, subdivision 4, is amended to read:

Subd. 4. **Air commerce.** "Air commerce" means the transportation by aircraft of persons or property for hire in interstate, intrastate, or international transportation on regularly scheduled flights by airline companies operating under a certificate of convenience and necessity issued by the United States Civil Aeronautics Board Department of Transportation.

Sec. 20. Minnesota Statutes 2012, section 360.55, subdivision 4, is amended to read:

Subd. 4. **Collector's aircraft.** (a) For purposes of this subdivision:

(1) "antique aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or before December 31, 1945, with the exception of certain pre-World War II aircraft models that had only a small postwar production, such as Beechcraft Staggerwing, Fairchild 24, and Monocoupe; and

(2) "classic aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or after January 1, 1946, and has a first year of life that precedes the date of registration by at least 50 years.

(b) If an antique or classic aircraft is owned and operated solely as a collector's item, its owner may list it for taxation and registration as follows: A sworn affidavit must be executed stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make, year, model number, federal aircraft registration number, and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit must be filed with the commissioner along with a fee of \$25.

(c) Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant a registration certificate. The registration certificate is valid without renewal as long as the owner operates the aircraft solely as a collector's item.

(d) Should an antique or classic aircraft be operated other than as a collector's item, the registration certificate becomes void and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67.

(e) Upon the sale of an antique or classic aircraft, the new owner must list the aircraft for taxation and registration in accordance with this subdivision, including the payment of a \$5 fee to transfer the registration to the new owner, or the other provisions of sections 360.511 to 360.67, whichever is applicable.

(f) ~~In the event of loss or destruction of the registration certificate, and upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with a fee of \$5, the commissioner shall issue a replacement certificate.~~

Sec. 21. Minnesota Statutes 2012, section 360.59, subdivision 7, is amended to read:

Subd. 7. **Transfer of ownership.** Upon the transfer of ownership; the destruction, theft, or dismantling; or the permanent removal by the owner from this state, of any aircraft registered in accordance with sections 360.511 to 360.67, the right of the owner of the aircraft to use the registration certificate assigned the aircraft expires. The owner shall forthwith return the certificate with transportation prepaid to the commissioner with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number if in a city, of the person to whom transferred. On becoming the owner by gift, trade, or purchase of any aircraft for which a registration certificate has been issued under sections 360.511 to 360.67, a person, including a dealer or manufacturer, shall, within seven days after acquiring ownership, join with the registered owner in transmitting with an application the registration certificate with the assignment and notice of sale duly executed upon the reverse side, or in case of loss of the certificate, with such proof of loss by sworn statements in writing as shall be satisfactory to the commissioner. Upon the transfer of any aircraft by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, the manufacturer or dealer shall, within seven days after the transfer, transmit the transferee's application for registration. ~~The manufacturer or dealer shall each month file with the commissioner a notice or report containing the date of the transfer, a description of the aircraft, and the name, street and number of residence if in a city, and post office address of the transferee.~~

Sec. 22. Laws 2013, chapter 117, article 1, section 3, subdivision 7, is amended to read:

Subd. 7. Previous State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before the first year is available to the commissioner during the biennium to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated. ~~The commissioner of transportation shall report to the commissioner of management and budget by August 1, 2013, and August 1, 2014, on a form the commissioner of management and budget provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.~~

Sec. 23. **REPEALER.**

Subdivision 1. Chapter 160 repeals.

Minnesota Statutes 2012, sections 160.27, subdivision 3; and 160.283, subdivision 1, are repealed.

Subd. 2. Chapter 161 repeals.

Minnesota Statutes 2012, sections 161.05; 161.06; 161.07; 161.08, subdivision 1; 161.082, subdivision 3; 161.1231, subdivisions 3 and 9; 161.13; 161.161; 161.201; 161.22; 161.31, subdivision 2; 161.3205; 161.3428; and 161.51, are repealed.

Subd. 3. Chapter 162 repeals.

Minnesota Statutes 2012, sections 162.02, subdivision 2; 162.06, subdivision 6; 162.065; 162.08, subdivision 3; 162.09, subdivision 3; 162.12, subdivision 5; and 162.125, are repealed.

Subd. 4. Chapter 163 repeals.

Minnesota Statutes 2012, section 163.07, subdivision 3, is repealed.

Subd. 5. Chapter 164 repeals.

Minnesota Statutes 2012, sections 164.041; and 164.05, are repealed.

Subd. 6. Chapter 165 repeals.

Minnesota Statutes 2012, sections 165.09, subdivision 5; 165.11; and 165.13, are repealed.

Subd. 7. Chapter 169 repeals.

Minnesota Statutes 2012, sections 169.16; 169.835; and 169.867, are repealed.

Subd. 8. Chapter 173 repeals.

Minnesota Statutes 2012, sections 173.0845; and 173.085, are repealed.

Subd. 9. Chapter 174 repeals.

(a) Minnesota Statutes 2012, sections 174.02, subdivision 7; 174.05; 174.06, subdivision 8; 174.19; 174.256, subdivision 5; and 174.50, subdivision 6a, are repealed.

(b) Minnesota Statutes 2013 Supplement, section 174.03, subdivision 1d, is repealed.

Subd. 10. Chapter 181 repeals.

Minnesota Statutes 2012, sections 181.28; 181.29; and 181.30, are repealed.

Subd. 11. Chapter 218 repeals.

Minnesota Statutes 2012, sections 218.021; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; and 218.041, subdivisions 1, 2, and 7, are repealed.

Subd. 12. Chapter 219 repeals.

Minnesota Statutes 2012, sections 219.55; 219.562, subdivisions 1, 1a, 3, and 4; 219.565; and 219.566, are repealed.

Subd. 13. Chapter 221 repeals.

Minnesota Statutes 2012, sections 221.123; 221.151, subdivision 1; 221.241; and 221.295, are repealed.

Subd. 14. Chapter 222 repeals.

Minnesota Statutes 2012, sections 222.04; 222.06; 222.07; 222.08; 222.09; 222.10; 222.11; 222.12; 222.13; 222.141; 222.15; 222.16; 222.17; 222.18; 222.19; 222.20; 222.21; 222.22; 222.23; 222.24; 222.25; 222.28; 222.31; 222.32; and 222.35, are repealed.

Subd. 15. Chapter 360 repeals.

Minnesota Statutes 2012, sections 360.013, subdivision 59; 360.015, subdivisions 11a, 17, and 19; and 360.55, subdivision 7, are repealed.

ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 2012, section 12A.16, subdivision 5, is amended to read:

Subd. 5. **Waivers authorized.** The requirements of section 174.50, subdivisions 5, 6, ~~6a~~, and 7, are waived for grants under subdivision 3.

Sec. 2. Minnesota Statutes 2012, section 16B.51, subdivision 1, is amended to read:

Subdivision 1. **Supervision by commissioner.** The commissioner shall supervise and control the making and distribution of all reports and other publications of all kinds issued by the state and state agencies when not otherwise prescribed by law. The commissioner shall also prescribe the manner and form of issuing reports required by sections 8.08; 16A.50; 35.03; 129D.02, subdivision 5; 256.01; and 299C.18; ~~and 360.015, subdivision 17.~~

Sec. 3. Minnesota Statutes 2012, section 161.3410, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The terms used in sections 161.3410 to ~~161.3428~~ 161.3426 have the meanings given in this section.

Sec. 4. Minnesota Statutes 2012, section 161.3412, subdivision 2, is amended to read:

Subd. 2. **Competitive, open process.** Sections 161.3410 to ~~161.3428~~ 161.3426 apply only to transportation projects using the two-step competitive process utilizing public solicitation for design-build services.

Sec. 5. Minnesota Statutes 2012, section 161.3414, subdivision 1, is amended to read:

Subdivision 1. **General criteria.** A design-build contracting procedure authorized under sections 161.3410 to ~~161.3428~~ 161.3426 may be used for a specific project only after the commissioner determines that awarding a design-build contract will serve the public interest.

Sec. 6. Minnesota Statutes 2012, section 161.3418, subdivision 2, is amended to read:

Subd. 2. **Contracting for licensed professional.** A design-builder may enter into a contract to provide professional or construction services for a project that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides those services through subcontractors with duly licensed, registered, or otherwise qualified individuals in accordance with sections 161.3410 to ~~161.3428~~ 161.3426.

Sec. 7. Minnesota Statutes 2012, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. Unless otherwise specified, all

fees for permits issued by the commissioner of transportation must be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees are:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles that travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

(6) noncommercial transportation of a boat by the owner or user of the boat; and

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862; and

~~(8) special milk-hauling vehicles authorized under section 169.867.~~

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry;

(5) double-deck buses;

(6) commercial boat hauling and transporting waterfront structures, including, but not limited to, portable boat docks and boat lifts;

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c); and

(8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles that have axle weights exceeding the weight limitations of sections 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Weight (pounds) exceeding weight limitations on axles	Overweight Axle Group Cost Factors		
	Cost Per Mile For Each Group Of:		
	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300

100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800
145,001 - 155,000	\$900

If the gross weight of the vehicle is more than 155,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges; and

(2) all remaining money in each fiscal year must be deposited in the bridge inspection and signing account as provided under subdivision 5b.

(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 8. Minnesota Statutes 2012, section 173.02, subdivision 6, is amended to read:

Subd. 6. **Various signs and notices defined.** Directional and other official signs and notices shall mean:

(a) "Official signs and notices" mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies, ~~star city signs erected under section 173.085~~, and municipal identification entrance signs erected in accordance with section 173.025₂ may be considered official signs.

(b) "Public utility signs" mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(c) "Service club and religious notices" mean signs and notices, not exceeding eight square feet in advertising area, whose erection is authorized by law, relating to meetings and location of nonprofit service clubs or charitable associations, or religious services.

(d) "Directional signs" means signs containing directional information about public places owned or operated by public authorities as defined in Code of Federal Regulations, title 23, section 460.2, paragraph (b), or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. To qualify for directional signs, privately owned attractions must be nationally or regionally known, and of outstanding interest to the traveling public.

(e) All definitions in this subdivision are intended to be in conformity with the national standards for directional and other official signs.

Sec. 9. Minnesota Statutes 2012, section 173.02, subdivision 16, is amended to read:

Subd. 16. **Advertising device.** "Advertising device" means any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith ~~except "star city" signs erected under section 173.085.~~

Sec. 10. Minnesota Statutes 2012, section 174.66, is amended to read:

174.66 CONTINUATION OF CARRIER RULES.

(a) Orders and directives in force, issued, or promulgated under authority of chapters 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the commissioner of transportation. To the extent allowed under federal law or regulation, rules adopted under authority of the following sections are transferred to the commissioner of transportation and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the commissioner:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits under section 221.031, subdivision 1;

(4) ~~rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1;~~

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) ~~(5)~~ rules relating to rates, tariffs, or the granting, limiting, or modifying of permits under sections section 221.121 and 221.151.

(b) The commissioner shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives.

Sec. 11. Minnesota Statutes 2012, section 221.022, is amended to read:

221.022 EXCEPTION.

The powers granted to the commissioner under sections 221.012 to ~~221.295~~ 221.293 do not include the power to regulate any service or vehicles operated by the Metropolitan Council or to register passenger transportation service provided under contract to the department or the Metropolitan Council. A provider of passenger transportation service under contract to the department or the Metropolitan Council may not also provide service as a motor carrier of passengers without first having registered under section 221.0252.

Sec. 12. Minnesota Statutes 2012, section 221.0252, subdivision 7, is amended to read:

Subd. 7. **Exemptions from regulation.** Notwithstanding any other law, motor carriers of passengers are exempt from sections 221.121; 221.122; ~~221.123~~; ~~221.151~~; 221.161; and 221.171.

Sec. 13. Minnesota Statutes 2012, section 221.026, subdivision 2, is amended to read:

Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor carrier of property is exempt from sections 221.021; 221.121; 221.122; ~~221.123~~; 221.131; 221.132; ~~221.151~~; 221.161; 221.172, subdivision 3; and 221.185, except as provided in subdivision 4. The exemptions in this subdivision do not apply to a motor carrier of property while transporting household goods.

Sec. 14. Minnesota Statutes 2012, section 221.036, subdivision 1, is amended to read:

Subdivision 1. **Order.** The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.033, subdivision 2b; (3) ~~section 221.151~~; (4) section 221.171; (5) (4) section 221.141; (6) (5) a federal, state, or local law, regulation, rule, or ordinance pertaining to railroad-highway grade crossings; or (7) (6) rules of the commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 15. Minnesota Statutes 2012, section 221.036, subdivision 3, is amended to read:

Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141; ~~221.151~~; or 221.171, or rules of the commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(d) The commissioner shall assess a penalty in accordance with Code of Federal Regulations, title 49, section 383.53, against:

(1) a driver who is convicted of a violation of an out-of-service order;

(2) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order; or

(3) an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

Sec. 16. Minnesota Statutes 2012, section 302A.021, subdivision 10, is amended to read:

Subd. 10. **Laws not to apply.** Sections ~~222.19 and 222.23~~, and Chapters 301, 316, and 556 do not apply to a corporation incorporated under or governed by this chapter.

Sec. 17. Minnesota Statutes 2012, section 322B.02, is amended to read:

322B.02 LAWS NOT TO APPLY.

Sections ~~222.19, 222.23~~, and Chapters 301, 316, and 556 do not apply to a limited liability company organized under or governed by this chapter.

Sec. 18. Minnesota Statutes 2012, section 336.9-201, is amended to read:

336.9-201 GENERAL EFFECTIVENESS OF SECURITY AGREEMENT.

(a) **General effectiveness.** Except as otherwise provided in the Uniform Commercial Code, a security agreement is effective according to its terms between the parties, against purchasers of the collateral, and against creditors.

(b) **Applicable consumer laws and other law.** A transaction subject to this article is subject to any applicable rule of law which establishes a different rule for consumers and (i) any other statute or regulation that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit including but not limited to sections 48.153 to 48.157; 53C.01 to 53C.14; ~~222.13 to 222.16~~; 334.01 to 334.06; and chapters 52, 53, and 56, (ii) any consumer protection statute or rule, and (iii) the Manufactured Home Repossession Security Act, sections 327.61 to 327.67.

(c) **Other applicable law controls.** In case of conflict between this article and a rule of law, statute, or regulation described in subsection (b), the rule of law, statute, or regulation controls. Failure to comply with a statute or regulation described in subsection (b) has only the effect the statute or regulation specifies.

(d) **Further deference to other applicable law.** This article does not:

(1) validate any rate, charge, agreement, or practice that violates a rule of law, statute, or regulation described in subsection (b); or

(2) extend the application of the rule of law, statute, or regulation to a transaction not otherwise subject to it.

Presented to the governor May 8, 2014

Signed by the governor May 9, 2014, 10:17 a.m.